

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	20cr388 (DLC)
-v-	:	
	:	<u>MEMORANDUM</u>
YUDITH REYNOSO-HICIANO,	:	<u>OPINION AND ORDER</u>
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

Yudith Reynoso-Hiciano has moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). For the following reasons, her motion is denied.

On January 13, 2022, Reynoso-Hiciano was convicted at trial of kidnapping and conspiring to commit a kidnapping, in violation of 18 U.S.C. §§ 1201(a)(1), 1201(c), 1201(d), and 2. She had participated in the kidnapping of a man accused of swindling her brother in connection with a cocaine sale. The victim was held in her apartment. At one point, the defendant told her son to get a hammer to smash the victim's fingers. She committed perjury during the trial.

On April 29, 2022, the defendant was sentenced principally to 72 months' imprisonment, which was far below the Sentencing Guidelines range of 188 to 238 months. The Court of Appeals affirmed the conviction.

On July 31, 2024, the Court denied the defendant's motion for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines. The defendant is 46 years old and the Bureau of Prisons projects that she will be released on August 17, 2026.

Proceeding pro se, Reynoso-Hiciano has moved for compassionate release in a petition that was received and docketed by this Chambers on December 18, 2024. The motion is supported by voluminous medical records of the defendant's family members. It includes a November 4, 2024 decision by an Acting Warden rejecting her request for compassionate release.

Once an inmate has exhausted administrative remedies, a court may grant compassionate release if "extraordinary and compelling reasons warrant such a reduction" and "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(1)(A). One of those policy statements describes categories of reasons that should be considered extraordinary and compelling. One category, which the defendant principally relies on, considers whether the defendant is the only available caregiver for a child or a disabled adult child. U.S.S.G. § 1B1.13(b)(3)(A). Another category that is relevant here considers whether the defendant is the only available caregiver for an immediate

family member, which includes a grandchild. U.S.S.G. § 1B1.13(b)(3)(D). Even if the Court finds that “extraordinary and compelling reasons” are present, it must also consider the sentencing factors set forth in 18 U.S.C. § 3553(a) before reducing the sentence. United States v. Fernandez, 104 F.4th 420, 426-27 (2d Cir. 2024) (citing 18 U.S.C. § 3582(c)(1)(A)).

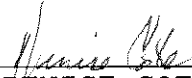
It does not appear that extraordinary circumstances justify this compassionate release motion. Reynoso-Hiciano explains that her 18-month-old grandson is completely disabled and that the child’s mother, who is the defendant’s daughter, is already spending a great deal of her time taking care of her disabled adult brother. The defendant says that her daughter needs physical, emotional, and financial support, and that the other members of her family cannot provide it. She also describes the various health and housing challenges facing other family members. These circumstances are truly unfortunate, but the defendant has not demonstrated that no other sources of care are available.

Moreover, the § 3553(a) factors do not support early release. Reynoso-Hiciano committed a serious violent crime, and her sentence already reflected a substantial downward variance. No reduction in her sentence is warranted. Accordingly, it is hereby

ORDERED that the December 18 petition for compassionate release pursuant to § 3582(c)(1)(A) is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Reynoso-Hiciano a copy of this Order and note mailing on the docket.

Dated: New York, New York  
March 3, 2025

  
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DENISE COTE  
United States District Judge